

Supporting Statement for Paperwork Reduction Act Submissions

for applications and reports for **Special Purpose Permits** contained in the regulations at 50 CFR 21.27.

A. Justification

The following information is provided as part of a request to renew the Office of Management and Budget's approval for information collection pursuant to regulations that implement the Migratory Bird Treaty Act. The information collection for Special Purpose Permits involves several forms tailored specifically to the requested activity. This section of the regulations authorizes parties to take, possess, or transport migratory birds regulated under the MBTA for special purposes consistent with the statute. Several types of permits are authorized under this section and each has its own application form and report forms. The Special Purpose Permit Application Forms for all the permits issued under this section are assigned Form 3-200-10. However, due to the many different special purpose activities, the application has been further divided into the following application and report forms:

Special Purpose - Salvage Application Form 3-200-10a and Special Purpose Salvage Annual Report Form 3-430 f. The Annual Report Form 3-430 f is a new form but does not represent a new information collection. The form previously used for salvage permittees was Form 3-430 d, the Scientific Collecting Permit Annual Report which is for live and dead birds collected for research purposes. A new Form 3-430 f has been tailored specifically to parties who salvage dead birds but who are not researchers. This new form geared specifically to salvaged material will be easier to understand and complete.

Special Purpose - Rehabilitation Application Form 3-200-10b and Annual Report Form 3-202 a.

Special Purpose - Possession for Education (Live) Application Form 3-200-10c and Annual Report Form 3-430c (the same report form is used for the Possession for Education (Dead) permit).

Special Purpose - Possession for Education (Dead) Application Form 3-200-10d.

Special Purpose - Game Bird Propagation Application Form 3-200-10e, Notice of Transfer or Sale of Migratory Waterfowl Form 3-186 (this is the same notice of transfer form used for Waterfowl Sale and Disposal Permits), and **Annual Report Form 3-202 c** (this is the same report form used for Waterfowl Sale and Disposal Permits)

We no longer accept applications and issue permits for Special Purpose - Possession/Education for Preparing Artwork (Form 3-200-10f).

1. The Migratory Bird Treaty Act (MBTA) implements four treaties to protect migratory birds that the United States signed with Canada, Mexico, Japan, and Russia. The prohibitions under

the MBTA effect the conservation objectives of the treaties. Under the MBTA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, their parts, nests, or eggs, except as permitted by regulations. Regulations implementing the MBTA authorize certain activities that are consistent with the intent of the treaties through a permitting system. The regulations for Special Purpose Permits appear in 50 CFR 21.27. The information collection requirements necessary for the public to apply for the permit and to comply with reporting requirements are contained in the current OMB approval. Since the issuance of the current OMB approval, the applications and report forms have been re-formatted, streamlined, and modified for clarity.

The appropriate sections of the MBTA and the implementing regulations mandating or authorizing the collection of information are attached.

2. Use of Information Collected on Special Purpose Forms

A. Special Purpose - Salvage Permit Application and Report

Application. The application information collection is achieved using the Service's Application **Form 3-200-10a**, which addresses the application requirements contained in 50 CFR 21.27. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport dead migratory birds regulated by the MBTA. The permits are valid for 3 years.

Annual Report. If a Special Purpose Salvage Permit is issued to the applicant, he/she is required to submit an annual report of the birds salvaged under the permit. The Annual Report information is collected using Form 3-430 f. As stated above, this is a new form but not a new information collection. The form previously used for salvage permittees was Form 3-430 d, the Scientific Collecting Permit Annual Report which is for live and dead birds collected for research purposes. Form 3-430 f has been tailored specifically to parties who salvage dead birds but who are not researchers. It will be easier for salvage permittees to understand and complete. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit and also so the Service can monitor the number of birds taken from the wild.

B. Special Purpose - Rehabilitation

Application. The application information collection is achieved using the Service's Application **Form 3-200-10b**, which addresses the application requirements contained in 50 CFR 21.27. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport sick and injured migratory birds regulated by the MBTA for rehabilitation purposes. The permits are valid for 3 years.

Annual Report. If a Special Purpose Rehabilitation Permit is issued to the applicant, he/she is required to submit an annual report of the birds taken and rehabilitated under his or her permit. The Annual Report information is collected using **Form 3-202 a**. This form has been

completely redesigned, streamlined, and modified for clarity. Although at first glance, the form appears to request more information, in fact it requires much less than before. For instance, we will no longer require the permittee to provide individual data for each individual bird. We will now allow them to group birds by species and enter a code to indicate dispositions. For instance rather than providing data on each individual robin separately, they will indicate only that they took in 14 robins - 10 were released, 0 were transferred, 1 is pending, 2 were euthanized, 1 died. This will be a significant burden reduction for large rehabilitation centers. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit. It is also used to monitor the final disposition of rehabilitated migratory birds in order to annotate any trends in rehabilitated birds.

C. Special Purpose - Possession for Education (Live)

Application. The application information collection is achieved using the Service's Application **Form 3-200-10c**, which addresses the application requirements contained in 50 CFR 21.27. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to possess and transport migratory birds regulated by the MBTA for conservation education purposes. The permits are valid for 3 years.

Annual Report. If a Special Purpose - Possession for Education (Live) Permit is issued to the applicant, he/she is required to submit an annual report of the birds received and possessed under his or her permit for educational programs and information about the programs provided. Permittees are supposed to conduct at least 12 educational programs a year. The Annual Report information is collected using **Form 3-430 b**. (This same annual report form is used for Special Purpose Possession for Education (Dead) Permits and for Eagle Education/Exhibition.) This form has been completely redesigned and modified for clarity. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit. It is also used to monitor the placement of nonreleasable birds in order to annotate any trends in birds used for education.

D. Special Purpose - Possession for Education (Dead)

Application. The application information collection is achieved using the Service's Application **Form 3-200-10d**, which addresses the application requirements contained in 50 CFR 21.27. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to possess and transport dead migratory birds regulated by the MBTA for conservation education purposes. The permits are valid for 3 years.

Annual Report. If a Special Purpose - Possession for Education (Dead) Permit is issued to the applicant, he/she is required to submit an annual report of the birds received and possessed under his or her permit for educational programs. Permittees are supposed to conduct at least 12 educational programs a year. The Annual Report information is collected using **Form 3-430 b**. (This same annual report form is used for Special Purpose Possession for Education (Live) Permits and for Eagle Education/Exhibition.) This form has been completely redesigned and modified for clarity. The report information is used by the Service to determine whether a

permit holder is in compliance with his or her permit.

E. Special Purpose - Game Bird Propagation.

Application. The application information collection is achieved using the Service's Application **Form 3-200-10e**, which addresses the application requirements contained in 50 CFR 21.27. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of captive-bred migratory game birds regulated by the MBTA. The permits are valid for 3 years.

Annual Report. If a Special Purpose - Game Bird Propagation Permit is issued to the applicant, he/she is required to submit an annual report of the number of birds held at the beginning and end of the report year, the number of birds acquired, raised, sold, died, or released, and the method of marking used. The Annual Report information is collected using **Form 3-202c**. (This same annual report form is used for Waterfowl Sale and Disposal Permits.) This form has been completely redesigned and modified for clarity. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit.

Notice of Transfer or Sale of Migratory Waterfowl. The information is collected on the Notice of Transfer or Sale of Migratory Waterfowl (Form 3-186) documents individual transactions under the Special Purpose Game Birds Propagation Permit. It requires information on the species, quantity and sex and/or eggs, how they were marked, the date of delivery, location of where birds/eggs will be kept, and the permittee's and recipient's and address. This information is used by the Service to monitor compliance with the permit.

3. To date, the electronic submission of the application is not possible. We must receive an originally signed application form. Facsimile and e-mailed signatures are not accepted, although applicants may submit supporting materials by facsimile transmission. We expect that as technology advances, we will be able to accept electronic submissions of applications. Therefore, we have changed the format of page 1 of the application form so that the information fields on the form correspond to the data fields in our Service-wide permit issuance and tracking computer system. Once the form is approved, it will be posted on the Internet in a format that will allow the public to complete the form on-line and print the completed form for signature and submission.

4. No duplicate information is collected elsewhere in the Service that could be utilized to decide whether this permit can be issued or whether a permittee is in compliance with his/her permit. Except for general information such as name and address, no other Federal agency collects information of this kind.

5. The Service estimates that 100 small businesses and/or small entities annually submit applications and 1,500 submit reports that contain these information collection requirements. This is not considered a substantial number of small businesses. We have modified the application and report forms for clarity to facilitate completion, and we have streamlined our

reporting requirements.

6. The consequence of not collecting the information contained in this application form is that the applicant would not be issued a permit since the collected information is either required on the permit itself or needed to make the legal findings and determinations under the MBTA.

7. It is not anticipated that a respondent would have to address any of the information collection methods or circumstances described in this justification instruction.

8. We will request comments on this information collection in a Federal Register notice.

9. There is no provision within the MBTA to provide any gift or payment to respondents.

10. Since the information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act, the Service can assure confidentiality to respondents. All applicants receive an information sheet explaining the requirements of both Acts.

11. None of the information collected on this application form is of a sensitive nature.

12. Estimates of hour burden:

Special Purpose - Salvage.

Service experience indicates that approximately 184 respondents will apply for a Special Purpose Salvage Permit each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 1 hour to complete the application, with a total burden assumed by all applicants of 184 hours or less. Approximately 1,772 permits are valid during any given year, and each permit requires an annual report which takes approximately 30 minutes (.5 hours) to complete. The total annual report burden assumed by all applicants would be 1,070 hours or less. Therefore, the total annual burden to Special Purpose - Salvage permittees is 1,254 hours.

We estimate that 50 small businesses and/or small entities annually submit applications and 500 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 5,500 (\$500 for applications + \$5,000 for annual reports) plus a \$25.00 application fee (\$ 1,250) for businesses, totaling \$ 6,760. All other applicants for this type of permit are individuals.

Special Purpose - Rehabilitation.

Service experience indicates that approximately 129 respondents will apply for a Special Purpose Rehabilitation Permit each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 2.5 hours to complete the application, with a total burden assumed by all applicants of 322.5 hours or less. Approximately 2,134 permits are valid during any given

year, and each permit requires an annual report which takes approximately 1 hour to complete. The total annual report burden assumed by all applicants would be 2,134 hours or less. Therefore, the total annual burden to Special Purpose - Rehabilitation permittees is 2,456.5.

We estimate that 50 small businesses and/or small entities annually submit applications and 500 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 5,500 (\$500 for applications + \$5,000 for annual reports) plus a \$25.00 application fee (\$ 1,250) for businesses, totaling \$ 6,760. All other applicants for this type of permit are individuals.

Special Purpose - Possession for Education (Live).

Service experience indicates that approximately 86 respondents will apply for a Special Purpose Possession for Education Permit for live birds each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 2.5 hours to complete the application, with a total application hour burden assumed by all applicants of 215 hours or less. Approximately 571 permits are valid during any given year, and each permit requires an annual report which takes approximately 1 hour to complete. The total annual report burden assumed by all applicants would be 571 hours or less. Therefore, the total annual burden to Special Purpose - Rehabilitation permittees is 786 hours.

We estimate that 20 small businesses and/or small entities annually submit applications and 100 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 1,500 (\$ 500 for applications + \$ 1,000 for annual reports) plus a \$25.00 application fee (\$ 500) for businesses, totaling \$ 2,000. All other applicants for this type of permit are individuals.

Special Purpose - Possession for Education (Dead).

Service experience indicates that approximately 56 respondents will apply for a Special Purpose Possession for Education Permit for live birds each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 2 hours to complete the application, with a total application hour burden assumed by all applicants of 112 hours or less. Approximately 167 permits are valid during any given year, and each permit requires an annual report which takes approximately 1 hour to complete. The total annual report burden assumed by all applicants would be 167 hours or less. Therefore, the total annual burden to Special Purpose - Rehabilitation permittees is 279 hours.

We estimate that 10 small businesses and/or small entities annually submit applications and 50 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 950 (\$ 200 for applications + \$ 500 for annual reports) plus a \$25.00

application fee (\$ 250) for businesses, totaling \$ 2,000. All other applicants for this type of permit are individuals.

Special Purpose - Game Bird Propagation

Service experience indicates that approximately 18 respondents will apply for a Special Purpose Game Bird Propagation Permit for live birds each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 1 hour to complete the application, with a total application hour burden assumed by all applicants of 18 hours or less. An estimate of 300 Notices of Transfer reports are submitted by permittees annually. These take approximately 10 minutes (0.17 hours) to complete, with a total Notice of Transfer burden of 50 hours. Approximately 73 permits are valid during any given year, and each permit requires an annual report which takes approximately 45 minutes (0.5 hours) to complete. The total annual report burden assumed by all applicants would be 54.75 hours or less. Therefore, the total annual burden to Special Purpose - Game Bird Propagation permittees is 122.75 hours.

We estimate that 10 small businesses and/or small entities annually submit applications and 30 submit reports that contain these information collection requirements. Assuming an hourly cost of \$10.00 yields \$ 375 (\$ 100 for applications + \$ 225 for annual reports + \$ 50 for notices of transfer) plus a \$25.00 application fee (\$ 250) for businesses, totaling \$ 625. All other applicants for this type of permit are individuals or hobbyists.

13. The annual "out of pocket" cost to the respondents is approximately \$ 450 (18 applicants multiplied by the \$25 application processing fee).

14. The annualized cost to the Federal Government for processing these permits is approximately \$ 100,569. The cost for each type of application annually is estimated below. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the applications (\$17), plus operational expenses per hour (\$4), multiplied by the estimated number of hours required to process an application, notice of transfer, or annual report, multiplied by the number of applications, notices, or annual reports the Service receives each year.

Special Purpose Salvage:

Hours to process application - 1.5
Cost to Government to process Application - \$ 3,864
Hours to process annual report - 0.5
Cost to Government to process Annual Report - \$ 18,606
Total Annualized Cost = \$ 22,470

Special Purpose Rehabilitation:

Hours to process application - 4
Cost to Government to process Application - \$10,836

Hours to process annual report - 1
Cost to Government to process Annual Report - \$ 44,814
Total Annualized Cost = \$ 55,650

Special Purpose Possession for Education (Live):

Hours to process application - 4
Cost to Government to process Application - \$ 7,224
Hours to process annual report - 0.5
Cost to Government to process Annual Report - \$ 5,995.50
Total Annualized Cost = \$ 13,219.50

Special Purpose Possession for Education (Dead):

Hours to process application - 3
Cost to Government to process Application - \$ 3,528
Hours to process annual report - 0.5
Cost to Government to process Annual Report - \$ 3,507
Total Annualized Cost = \$ 7,035

Special Purpose Game Bird Propagation:

Hours to process - 1
Cost to Government to process Application - \$ 378
Hours to process - 0.17 (10 minutes)
Cost to Government to process Notices of Transfer - \$ 1,050
Hours to process - 0.5
Cost to Government to process Annual Report - \$ 766.50
Total Annualized Cost = \$ 2,194.50

15. The reduction in the estimated annual burden on the public and the cost to the Government resulted primarily from two factors: (a) a gross error in the previous submission in the number special purpose annual reports submitted (165,180), and (b) from our adjustment of our information collection analysis to differentiate between new permit applications (i.e., new respondents) and requests to renew existing permits that are due to expire. We have developed a streamlined renewal application (see form 3-200-58), which takes considerably less time to complete. Previous respondent figures for this permit application included applications received requesting renewal of a permit due to expire.

16. There are no plans for publication of the results of this information collection.

17. The Service is not seeking approval to not display the expiration date for OMB approval.

18. There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected by this application form.

B. Collection of Information employing Statistical Methods.

No statistical methods are used.